

**SENATE JOURNAL
64TH LEGISLATURE
TWENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
February 4, 2015

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Brenden and Jones excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 2/4/2015

Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the eleventh through fifteenth legislative days, find the same to be correct.

Correctly printed: **SB 89, SB 128, SB 140, SB 150, SB 188, SB 201, SB 256, SB 257, SB 258, SB 259, SB 260, SB 261, SJ 2, SJ 9, HB 32, HB 41, HB 52, HB 82, HB 108, HB 122.**

Correctly engrossed: **SB 115, SB 123, SB 149, HB 136.**

Transmitted to the House: **SB 41, SB 53, SB 81, SB 119, SB 163, SB 183, HB 63.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/3/2015
SB 123, introduced bill, be amended as follows:

1. Title, page 1, line 18.

Following: "33-16-1021,"

Insert: "33-16-1033,"

2. Page 2, line 17 through line 18.

Strike: "for" on line 17 through "plan" on line 18

3. Page 3, line 2.

Following: line 2

Insert: "(6) The state fund shall annually transfer funds to the commissioner, out of its surplus, for all necessary staffing and related expenses for a full-time attorney licensed to practice law in Montana and a full-time examiner qualified by education, training, experience, and high professional competence to examine the state fund pursuant to Title 33, chapter 1, part 4, and this section. The attorney and examiner must be employees of the commissioner."

Renumber: subsequent subsections

4. Page 14, line 13.

Following: line 12

Insert: "**Section 11.** Section 33-16-1033, MCA, is amended to read:

"33-16-1033. Advisory organization -- permitted activity. An advisory organization may:
(1) develop statistical plans, including class definitions;

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- (2) collect statistical data from members, subscribers, or any other source;
 - (3) prepare and distribute pure premium rate data, adjusted for loss development and loss trending, in accordance with its statistical plan. The data and adjustments must be in sufficient detail to permit insurers to modify pure premiums based upon their own rating methods or interpretations of underlying data.
 - (4) prepare and distribute manuals for rating rules and rating schedules that do not contain any rules or schedules, including final rates, without information outside the manuals;
 - (5) distribute information that is filed with the commissioner and open to public inspection;
 - (6) conduct research and collect statistics in order to discover, identify, and classify information relating to causes or prevention of losses;
 - (7) prepare and file policy forms and endorsements and consult with members, subscribers, and others relative to their use and application;
 - (8) collect, compile, and distribute past and current prices of individual insurers, if the information is made available to the general public;
 - (9) conduct research and collect information to determine the impact of benefit level changes on pure premium rates;
 - (10) prepare and distribute rules and rating values for the uniform experience rating plan; and
 - (11) calculate and disseminate individual risk premium modification factors. Individual risk premium modification factors may only be disseminated to:
 - (a) a licensed producer or ~~a plan No. 2 or plan No. 3~~ an insurer for the business of insurance only; and
 - (b) the department of labor and industry for regulatory purposes only. Individual employer payroll and loss information may be provided to a person other than the current licensed producer or ~~a plan No. 2 or plan No. 3~~ an insurer only after obtaining the employer's written permission."
- Renumber:** subsequent sections

5. Page 18, line 24.

Following: "shall file"

Insert: "the rates and supplementary rate information"

6. Page 21, line 27.

Following: "January 1, 2016."

Insert: "The state fund and the insurance commissioner shall provide periodic updates to the economic affairs interim committee."

And, as amended, do pass. Report adopted.

SB 149, introduced bill, be amended as follows:

1. Page 1, line 25.

Following: "medicine;"

Strike: "or"

2. Page 1.

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Following: line 25

Insert: "(b) an optometrist licensed pursuant to Title 37, chapter 10; or"

Renumber: subsequent subsection

3. Page 1, line 28.

Following: "medical visits,"

Insert: "eyeglasses, contact lenses,"

And, as amended, do pass. Report adopted.

HB 57, be concurred in. Report adopted.

HB 66, be concurred in. Report adopted.

HB 79, be concurred in. Report adopted.

HB 81, be concurred in. Report adopted.

HB 110, be concurred in. Report adopted.

JUDICIARY (Sales, Chair):

2/3/2015

SB 115, introduced bill, be amended as follows:

1. Page 1, line 16.

Following: "(1)"

Insert: "(a)"

2. Page 1, line 17.

Following: "~~for~~"

Insert: "by a law enforcement officer"

3. Page 1.

Following: line 18

Insert: "(b) Before a seizure occurs, the prosecutor may request that a licensed veterinarian accompany a law enforcement officer to the premises to evaluate the extent of the animal's disease, injury, or suffering."

4. Page 1, line 23.

Strike: "and"

5. Page 1, line 26.

Following: line 26

Insert: "(d) the evaluation of the licensed veterinarian if an evaluation was provided under subsection (1)(b)."

6. Page 1, line 29.

Following: "posted"

Insert: "by a law enforcement officer"

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7. Page 2, line 5.

Following: "posted"

Insert: "by a law enforcement officer"

8. Page 2, line 20.

Following: "suffering and shall"

Insert: ", no more than 5 days after the hearing,"

9. Page 2, line 24.

Strike: "the"

Insert: "a"

Following: "proceeding"

Insert: "initiated for an alleged violation of 45-8-210, 45-8-211, or 45-8-217"

10. Page 2, line 28.

Strike: "alleged"

11. Page 3, line 1.

Following: "seizure"

Insert: ", if the court finds that the seizure was justified"

12. Page 3, line 4.

Strike: "determines"

Insert: "finds, by a preponderance of the evidence submitted,"

13. Page 3, line 6.

Strike: "may"

Insert: "shall"

14. Page 3, line 15.

Strike: "If the court orders a bond to"

Insert: "Upon an order of the court that a bond"

15. Page 4, line 2 through line 3.

Following: "veterinarian"

Strike: "or officer" on line 2 through "seizure" on line 3

16. Page 4.

Following: line 5

Insert: "(15) Any testimony of the respondent in a hearing held as provided in this section may not be used against the respondent in the criminal proceeding."

And, as amended, do pass. Report adopted.

HB 75, be concurred in. Report adopted.

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HB 136, be amended as follows:

1. Title, page 1, line 5.

Strike: "MAIL"

Insert: "MEANS"

2. Page 1, line 14.

Strike: "e-mail"

Insert: "electronic"

3. Page 1, line 20.

Following: "electronic"

Strike: "mail"

Insert: "means"

Following: "address,"

Strike: "e-mail"

Insert: "electronic"

4. Page 1, line 21.

Strike: "e-mail"

Insert: "electronic"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

2/3/2015

SB 18, introduced by Dick Barrett

SB 33, introduced by J. Taylor

House bills passed and transmitted to the Senate for concurrence:

2/3/2015

HB 158, introduced by M. MacDonald

HB 241, introduced by T. Berry

HB 246, introduced by Z. Perry

HB 248, introduced by K. Holmlund

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 262, introduced by C. Vincent, P. Connell, S. Fitzpatrick, B. Hamlett, S. Stewart-Peregoy, K.

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Williams, referred to Judiciary.

SB 263, introduced by M. Caferro, referred to Public Health, Welfare and Safety.

SB 264, introduced by B. Keenan, referred to Finance and Claims.

SB 265, introduced by B. Keenan, referred to Business, Labor, and Economic Affairs.

SB 266, introduced by M. McNally, referred to Judiciary.

SB 267, introduced by S. Malek, referred to State Administration.

SB 268, introduced by D. Sands, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 158, introduced by M. MacDonald, referred to Education and Cultural Resources.

HB 241, introduced by T. Berry, referred to Highways and Transportation.

HB 246, introduced by Z. Perry, referred to Highways and Transportation.

HB 248, introduced by K. Holmlund, D. Mortensen, R. Osmundson, V. Ricci, referred to Education and Cultural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Stewart-Peregoy in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 74 - Senator Moe moved **SB 74** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brenden, Jones.

Total 2

SB 54 - Senator Dick Barrett moved **SB 54** do pass.

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SB 54 - Senator Dick Barrett moved **SB 54**, second reading copy, be amended as follows:

1. Page 4, line 27 through line 29.

Strike: "The purchaser's name" on line 27 through "available for disclosure." on line 29

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

Total 44

Nays: Keenan, Sales, Smith, Webb.

Total 4

Absent or not voting: None.

Total 0

Excused: Brenden, Jones.

Total 2

SB 54 - Passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.

Total 31

Nays: Arntzen, Blasdel, D. Brown, Fielder, Hansen, Hinkle, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Vance, Vincent, Webb, Ms. President.

Total 17

Absent or not voting: None.

Total 0

Excused: Brenden, Jones.

Total 2

SB 68 - Senator Caferro moved **SB 68** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour,

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Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

SB 143 - Senator C. Smith moved **SB 143** do pass. Motion carried as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 25

Nays: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Wolken.
Total 24

Paired: Brenden, Aye; Driscoll, No.

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 144 - Senator Buttrey moved **SB 144** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Brenden, Jones.

Total 2

HB 109 - Senator Cohenour moved **HB 109** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.

Total 30

Nays: Arntzen, Blasdel, Caferro, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb, Ms. President.

Total 18

Absent or not voting: None.

Total 0

Excused: Brenden, Jones.

Total 2

HB 121 - Senator Webb moved **HB 121** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brenden, Jones.

Total 2

HB 65 - Senator Dick Barrett moved **HB 65** be concurred in. Motion carried as follows:

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Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

Majority Leader Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Stewart-Peregoy moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 44

Nays: McNally, Phillips, Sesso, Whitford.
Total 4

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 89 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann,

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Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brenden, Jones.

Total 2

SB 128 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.

Total 43

Nays: Kaufmann, Keane, Pomnichowski, Sesso, Whitford.

Total 5

Absent or not voting: None.

Total 0

Excused: Brenden, Jones.

Total 2

SB 140 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

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Total 0

Excused: Brenden, Jones.

Total 2

SB 150 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brenden, Jones.

Total 2

HB 32 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brenden, Jones.

Total 2

HB 82 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keane, Keenan,

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Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 45

Nays: D. Brown, Kaufmann, Ripley.

Total 3

Absent or not voting: None.

Total 0

Excused: Brenden, Jones.

Total 2

HB 108 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 46

Nays: Hinkle, Taylor.

Total 2

Absent or not voting: None.

Total 0

Excused: Brenden, Jones.

Total 2

MOTIONS

Majority Leader Rosendale moved that SB 68 be re-referred to the Finance and Claims committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, February 5, 2015, the twenty-sixth legislative day. Motion carried.

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Senate adjourned at 2:26 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate